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10/667,752	09/22/2003	Roger John O'Hara	14846-14	4808

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EXAMINER	
BELANI, KISHIN G	

ART UNIT	PAPER NUMBER
2109	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,752	O'HARA, ROGER JOHN	
	Examiner	Art Unit	
	Kishin G. Belani	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/22/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 09-22-2003 has been considered by the Examiner and made of record in the application file.

Specification

The disclosure is objected to because of the following informalities:

In paragraph 0006, line 7 and paragraph 0017, lines 4 and 7; change "switch 116" to – switch 106 --.

In paragraph 0016, line 12, delete "but".

In paragraph 0020, line 7, delete "exist".

In paragraph 0022, line 2, change "checks" to – check –.

Appropriate correction is required.

Claim Objections

Claim 4 is objected to because of the following informalities:

In line 3 of claim 4, the examiner has interpreted "via TCP/IP " to mean "via RS-232".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said system monitor" in line 5. There is insufficient antecedent basis for this limitation in the claim. The examiner has interpreted the claim language "said system monitor" to mean "a system monitor".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by **Carley (U.S. Patent Application Publication # 2003/0233583 A1).**

Consider **claim 1**, Carley clearly shows and discloses a method for securely managing and monitoring a data network, said data network comprising a plurality of network components (Abstract that discloses a network management system for remotely and securely managing a data network; Fig. 17, SRMA (Secure Remote Management Appliance) block along with a plurality of network components (router, servers, and network management station), said method comprising:

connecting a network management system to a non-network port of each of said network components (paragraphs 0088 and 0089 which disclose that the network management connection can be via the console port (as an RS-232 serial interface) of the network element);

managing each of said network components through said non-network port (paragraph 0002 which discloses that the invention relates to managing devices or elements in a communication network); and

monitoring each of said network components through said non-network port (paragraph 0021 which states that monitoring network connections for possible attacks and reporting them to Intrusion Detection System is one of the objective of the invention).

Consider **claim 2**, and **as applied to claim 1 above,** Carley clearly shows and discloses a method wherein connecting a network management system to a non-network port of each of said plurality of network components comprises: connecting a network management system to a terminal server (Fig. 17, SRMA block that acts as a terminal server, connecting each of the plurality of network components (router, servers

etc.) of a data network via their non-network ports to the Network Management Station; paragraph 0089 which discloses that the SRMA can have multiple connections for accessing device consoles, thus acting like a terminal server); and

connecting said terminal server to said non-network port of each of said network components (paragraphs 0088 and 0089 which disclose that the SRMA connects to the network components via non-network port of each component).

Consider **claim 3**, and **as applied to claim 2 above,** Carley clearly discloses a method further including establishing communication between said network management system and said terminal server via TCP/IP (paragraph 0090 which discloses that the access to a dedicated network segment of network management can be Ethernet or Fast Ethernet (TCP/IP).

Consider **claim 4**, and **as applied to claim 2 above,** Carley clearly shows and discloses a method further including establishing communication between said terminal server and said plurality of network components via RS-232 serial interface (paragraph 0089 which discloses that the access to the console port of a network element is via an RS-232 serial interface).

Consider **claim 5**, and **as applied to claim 1 above,** Carley clearly shows and discloses a method wherein said network management system includes a configuration manager (Fig. 17; paragraph 0117 which discloses that the router configuration

transmitted by the system administrator via the network is encrypted by the SRMA, thereby disclosing a configuration manager), said method further comprising: configuring said plurality of network components from said configuration manager through said non-network port of each of said network components (paragraph 0089 which discloses that the access to the console port of a network element is via an RS-232 serial interface).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carley (U.S. Patent Application Publication # 2003/0233583 A1),** in view of **Cambron (U.S. Patent Publication # 6,539,027 B1).**

Consider **claim 6**, and **as applied to claim 1 above,** Carley clearly shows and discloses the claimed invention except explicitly disclosing that monitoring each of said network components comprises polling each of said network components.

In the same field of endeavor, Cambron clearly discloses that monitoring each of said network components comprises polling each of said network components (column 7, lines 51-53 which disclose that all SNMP-compatible devices support a SNMP software agent, which enables a management station to poll all SNMP devices in the network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to poll each of said network components, as taught by Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 7**, and **as applied to claim 1 above,** Carley clearly shows and discloses the claimed invention except explicitly disclosing that said network management system includes a system monitor, said method further comprising monitoring each of said plurality of network components by said system monitor.

In the same field of endeavor, Cambron clearly discloses that said network management system includes a system monitor, said method further comprising monitoring each of said plurality of network components by said system monitor

(column 7, lines 40-53 which disclose that SNMP network-management architecture includes a SNMP manager (system monitor), that enables the network administrator to carry out network management functions by regularly polling and monitoring all SNMP devices in a network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system monitor, said method further comprising monitoring each of said plurality of network components by said system monitor, as taught by Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 8**, and **as applied to claim 7 above,** Carley clearly shows and discloses the claimed invention except explicitly disclosing that monitoring each of said plurality of network components by said system monitor comprise polling each of said network components by said system monitor.

In the same field of endeavor, Cambron clearly discloses that monitoring each of said plurality of network components by said system monitor comprise polling each of said network components by said system monitor (column 7, lines 40-53 which disclose that SNMP network-management architecture includes a SNMP manager (system monitor), that enables the network administrator to carry out network management functions by regularly polling and monitoring all SNMP devices in a network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system monitor that provided polling each of said network components, as taught by Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 9**, and **as applied to claim 1 above,** Carley clearly shows and discloses the claimed invention including showing a terminal server connected between said network management system and said plurality of network components (as detailed in claim 1 above and shown in Fig. 17).

However, Carley does not explicitly show a method wherein said step of monitoring each of said plurality of network components comprises polling each of said plurality of network components by said terminal server responsive to a system monitor.

In the same field of endeavor, Cambron clearly discloses that monitoring each of said plurality of network components comprises polling each of said plurality of network components by said terminal server responsive to a system monitor (column 7, lines 40-53 which disclose that SNMP network-management architecture includes a SNMP manager (system monitor), that enables the network administrator to carry out network management functions by regularly polling and monitoring all SNMP devices in a network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor each of said plurality of network

components by polling each of said plurality of network components by said terminal server responsive to a system monitor, as taught by Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 10**, and **as applied to claim 1 above,** Carley clearly shows and discloses the claimed invention except initiating communication between said network management system and said plurality of network components only from said network management system.

In the same field of endeavor, Cambron clearly discloses initiating communication between said network management system and said plurality of network components only from said network management system (column 7, lines 40-53 which disclose that SNMP network-management architecture includes SNMP agents, which interact with the devices being managed, and which enable a management station to poll all SNMP devices in the network in order to initiate communication for the purpose of network management).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor and poll each of said plurality of network components for the purpose of initiating communication between said network management system and said plurality of network components only from said network management system, as taught by Cambron in the method of Carley, so that the

network management functions, such as fault, configuration, security, performance and accounting management can be performed at regular intervals.

Consider **claim 11**, Carley clearly shows and discloses an apparatus (SRMA (Secure Remote Management Appliance)) for secure monitoring of network components in a data network (Abstract that discloses a network management system for remotely and securely managing a data network) comprising:
a plurality of network components (Fig. 17, with a plurality of network components (router, servers, and network management station)),
each of said plurality of network components having a data network port connected to said data network and each of said plurality of network components having a non-network port (paragraphs 0088 and 0089 which disclose that the network management connection can be via the console port (as an RS-232 serial interface) of the network element).

However, Carley does not explicitly disclose a network management system connected to each of said plurality of network components at said non-network port and configured so that only said network management system may initiate communication with said plurality of network components.

In the same field of endeavor, Cambron clearly discloses an apparatus with a network management system connected to each of said plurality of network components at said non-network port and configured so that only said network management system may initiate communication with said plurality of network

components (column 7, lines 40-53 which disclose that SNMP network-management architecture includes SNMP agents, which interact with the devices being managed, and which enable a management station to poll all SNMP devices in the network in order to initiate communication for the purpose of network management).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a network management system connected to each of said plurality of network components at said non-network port and configured so that only said network management system may initiate communication with said plurality of network components, as taught by Cambron in the method of Carley, so that the network management functions, such as fault, configuration, security, performance and accounting management can be performed at regular intervals.

Consider **claim 12**, and **as applied to claim 11 above,** Carley clearly shows and discloses the claimed apparatus except explicitly disclosing that the network management system is configured to poll each of said plurality of network components.

In the same field of endeavor, Cambron clearly discloses that the network management system of the claimed apparatus is configured to poll each of said plurality of network components (column 7, lines 51-53 which disclose that all SNMP-compatible devices support a SNMP software agent, which enables a management station to poll all SNMP devices in the network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to poll each of said network components, as taught by

Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 13**, and **as applied to claim 11 above,** Carley as modified by Cambron further shows and discloses an apparatus including a terminal server connected between said network management system and said plurality of network components (Fig. 17, SRMA block that acts as a terminal server, connecting each of the plurality of network components (router, servers etc.) of a data network via their non-network ports to the Network Management Station; paragraph 0089 which discloses that the SRMA can have multiple connections for accessing device consoles, thus acting like a terminal server).

Consider **claim 14**, and **as applied to claim 13 above,** Carley clearly shows and discloses the claimed apparatus except explicitly disclosing that said terminal server in the claimed apparatus is configured to poll said plurality of network components.

In the same field of endeavor, Cambron clearly discloses that said terminal server is configured to poll said plurality of network components (column 7, lines 40-53 which disclose that SNMP network-management architecture includes a SNMP manager and a SNMP software agent that enable the network administrator to carry out network management functions by regularly polling and monitoring all SNMP devices in a network).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include capability that provided polling each of said network components, as taught by Cambron in the method of Carley, so that the network administrator can perform network management functions, such as fault, configuration, security, performance and accounting management at regular intervals.

Consider **claim 15**, and **as applied to claim 11 above**, Carley as modified by Cambron further discloses an apparatus wherein said data network ports comprise serial ports (paragraphs 0088 and 0089 which disclose that the network management connection can be via the console port (as an RS-232 serial interface) of the network element).

Consider **claim 16**, and **as applied to claim 11 above,** Carley as modified by Cambron further discloses an apparatus wherein said data network ports comprise RS232 ports (paragraphs 0088 and 0089 which disclose that the network management connection can be via the console port (as an RS-232 serial interface) of the network element).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
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Art Unit: 2109

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401 Dulany Street
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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez Gutierrez can be reached on (571) 270-1767 or (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Kishin G. Belani
K.G.B./kgb

April 25, 2007

RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
4/25/07